

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

CAMDEN NATIONAL BANK,)	
)	
Plaintiff,)	
)	
v.)	2:19-cv-00259-JAW
)	
THOMAS M. CHAPPELL,)	
M/V SARAH HOLLOWAY)	
O.N. 1182997 her gear,)	
fittings, appurtenances, and)	
engines <u>in rem</u> and Thomas)	
M. Chappell, <u>in personam</u> ,)	
)	
Defendants.)	

ORDER GRANTING MOTION FOR ATTORNEY'S FEES

On August 28, 2019, Plaintiff Camden National Bank (Camden National) filed a motion for attorney's fees seeking \$16,042.50 in fees in an action to enforce a maritime lien on the vessel "M/V Sarah Holloway" pursuant to 46 U.S.C. § 31325. *Mot. for Att'y's Fees* (ECF No. 35); *Compl.* ¶ 9 (ECF No. 1).¹ Along with its motion, Camden National filed an affidavit in support of the award of legal fees as well as a detailed accounting of the substance of the work performed, the hours spent on each entry of work, and the billable rates for the attorneys and personnel involved.² *Mot. for Att'y's Fees*, Attachs. 1-2.

¹ Camden National is entitled to attorney's fees in this action because the mortgage on the Sarah Holloway held by Camden National states that "[t]he net proceeds of any judicial or other sale . . . shall be applied . . . FIRST: To the payment of all attorney's fees, court costs, and any other expenses, losses, charges, damages incurred or advances made by Mortgagee . . . caused by Owner's default hereunder or under the note secured hereby" *Compl.*, Attach. 1 at 3 (ECF No. 1).

² The exhibit filed by Camden National lists \$16,667.50 worth of time entries—more than requested in the Motion for Attorney's Fees. The last entry, for \$625 on August 28, 2019, is for

Camden National has satisfied the Court that, with one exception, the work performed and the hourly rates charged were reasonable; however, the hourly rate for work performed by Susan Fritts, a paralegal, must be discounted from \$150, *id.*, Attach. 2 at 11, to \$99.75 per the approved lodestar rates laid out in *TD Bank, N.A. v. Estate of Woodman*, No. 17-cv-00163-JAW, 2019 WL 2563813, at *4 (D. Me. June 21, 2019). Camden National seeks fees for 0.80 hours of Ms. Fritts' work at a total cost of \$120. *Mot. for Attorney's Fees*, Attach. 2 at 11. Discounted to an hourly rate of \$99.75, this amount is \$79.80. Therefore, Camden National's request for attorney's fees must be reduced by \$40.20 to \$16,002.30.

The Court GRANTS Camden National's Motion for Attorney's Fees (ECF No. 35), as altered by the Court, in the amount of \$16,002.30.

SO ORDERED.

s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 4th day of October, 2019

"finaliz[ing] motion and affidavit for attorneys' fees along with application for costs," *Mot. for Att'y's Fees*, Attach. 2 at 11, accounts for the exact amount of this discrepancy. Based on First Circuit authority that "fees for . . . work [on a fee petition] are often calculated at lower rates than those deemed reasonable for the main litigation," *Torres-Rivera v. O'Neill-Cancel*, 524 F.3d 331, 340 (1st Cir. 2008), the Court assumes that Camden National has decided not to pursue the \$625 entry related to its fee petition.